

REMARKS

Applicant thanks the Examiner for the very thorough consideration given to the present application. Claims 1-4, 7, 9-15 and 18-29 are now pending in the application. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

The specification stands objected to for certain informalities. Applicants have amended the claims to remove the objection to the specification. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 28 and 29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. While Applicant respectfully disagrees with this determination, in the interest of expediting prosecution Applicant has amended Claims 28 and 29 to overcome this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claim 1 to further point out the subject matter claimed in Claim 7. Reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sorg (U.S. Pat. No. 2,185,741, hereinafter Sorg). This rejection is respectfully traversed.

At the outset, Applicant notes that independent Claim 1 includes “a discrete support collar coupled to an outer perimeter of the second portion the support collar being configured to prevent the formation of a stress riser at an intersection between the first and second portion ...” Applicant respectfully submits this feature is not taught by Sorg.

Sorg appears to teach an integral formed sleeve and not a discrete support collar. In particular, Sorg states that “the rubber sleeves 8 are molded about and vulcanized to the end portions of the hose section ... the integral structure of the sleeves with a rubber hose provides a firm anchorage for the ends of the spring.” Applicant respectfully asserts that Sorg not only teaches an integral sleeve, but further that the purpose of the integral sleeve is to secure the ends of a spring and not “prevent the formation of a stress riser at an intersection between the first and second portion” as claimed.

Further, the integral sleeve of Sorg is not located “adjacent to the intersection of the first and second portion” as claimed. Specifically, the integral sleeve is located at the intersection of the first and second sections of Sorg. As Sorg fails to disclose the “discrete support collar” as claimed, Applicant respectfully submits independent Claim 1 is patentable and in condition for allowance. In addition, since Claims 2-4 depend from

Claim 1, these claims are also believed to be in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 18, 20, 21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ziebold (U.S. Pat. No. 3,135,295, hereinafter Ziebold). This rejection is respectfully traversed.

Applicant submits independent Claim 18 includes “bonding the flexible duct structure to an end of the rigid duct structure...” Applicant respectfully submits this feature is not taught or suggested by Ziebold.

Ziebold discloses the use of an “attachment means 16 and 18” to connect the expansion unit 10 to the pipelines 12 and 14 (Column 2, lines 61-63; Figure 1). Ziebold does not disclose whatsoever the bonding of a flexible duct structure to a rigid duct structure as claimed, but rather the use of an attachment means which is shown as an additional sleeve. Hence, Applicant respectfully asserts Ziebold fails to teach or suggest “bonding the flexible duct structure to an end of the rigid duct structure” as claimed but rather the use of an intermediary sleeve. Thus Applicant submits independent Claim 18 is patentable over Ziebold. Claims 20, 21 and 24, which depend from independent Claim 18, are also believed to be patentable and in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 18-20 and 24-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pfleger (U.S. Pat. No. 5,560,398, hereinafter Pfleger). This rejection is respectfully traversed. Applicant notes independent Claim 18 includes the limitation of bonding the flexible duct structure to an end of the rigid duct structure.” Pfleger appears

to teach a multilayer conduit made up of layers of polymeric materials (Column 6, Figure 1). Pfleger does not disclose whatsoever the bonding of flexible duct structure to an end of the rigid duct structure” but rather appears to teach a sandwiched multilayer conduit wherein the inner and outer layers are bonded along the entire length of the inner and outer layer (Column 4, lines 27-29, Figure 1). Thus, as Pfleger fails to disclose “the bonding of the flexible structure to an end of the rigid structure” Applicant respectfully asserts independent Claim 18 is patentable over Pfleger and in condition for allowance. Furthermore, since Claims 19, 20 and 24 depend from independent Claim 18, these claims are also believed to be patentable.

With regard to independent Claim 25, Applicant notes independent Claim 25 includes “coupling the first rigid duct structure to a first end of the flexible duct structure.” As stated previously, Pfleger does not disclose this feature nor would it be obvious to modify Pfleger to include this feature. Accordingly, Applicant believes independent Claim 25 is patentable over Pfleger and in condition for allowance. In addition, since Claim 26 depends from independent Claim 25, Claim 25 is also believed to be in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfleger in view of Timmons (U.S. Pat. No. 5,062,457, hereinafter Timmons). This rejection is respectfully traversed.

Applicant notes Claims 21-23 all depend from independent Claim 18. As stated previously, Applicant believes Claim 18 is patentable and in condition for allowance.

Accordingly, Applicant believes Claims 21-23 are also patentable and in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfleger in view of Timmons and Tally (U.S. Pat. No. 3,992,505, hereinafter Tally). This rejection is respectfully traversed.

Independent Claim 28 has been amended to include “a second tube portion having an end affixed to the first tube-shaped portion ...” As discussed previously, Pfleger fails to teach or suggest this feature as does Timmons. Likewise, Tally also does not disclose this feature as claimed. In particular, Tally fails to teach or suggest the joining of the first and second tube-shaped portions at an end. Accordingly, Applicant believes independent Claim 28 is patentable and in condition for allowance. In addition, as Claim 29 depends from independent Claim 28, Applicant believes this claim is also in condition for allowance. Reconsideration and withdrawal of these rejections are respectfully requested.

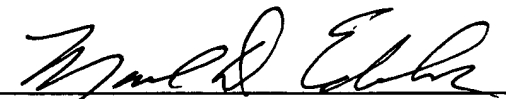
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Jan 5, 2004

By: 
Mark D. Elchuk
Reg. No. 33,686

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDE/EKS/cn